

Response to Office Action of: 11/22/2005  
Response Dated: 12/20/2005  
Title: System, Method, And Computer Program Product  
For Configuring And Purchasing A Medical Device

App. No.: 09/893,535  
Inventor: Arbogast et al.  
Examiner: Dilek B. Cobanoglu

## REMARKS/ARGUMENTS

### Attorney Docket Number

Applicant respectfully requests that the Attorney Docket Number for the present case be changed from "204302US30" to "OHI 1717-008A." Applicant also respectfully requests that the Examiner use this new docket number in all future correspondence relating to the present application.

### Restriction Requirement

The Examiner issued an restriction requirement in the present case. The Examiner has identified the claims of the present application as being directed to three different inventions:

- Invention I: (claims 1-39, 46-49, 65-69 and 80-82) - directed to a system for configuring a medical device, classified in class 705, subclass 02;
- Invention II: (claims 40-45) - directed to a method for outsourcing a medical device by querying, classified in class 707, subclass 04; and
- Invention III: (claims 50-64, 70-79 and 83-85) - directed to a computer program product or system for data collection, classified in class 707, subclass 104.1.

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In order to comply with 35 U.S.C. § 121, Applicants provisionally elect, with traverse, to prosecute Group I (claims 1-39, 46-49, 65-69 and 80-82). Applicants' election is made without prejudice.

Applicants respectfully disagree with the breadth of the present restriction requirement. More particularly, Applicants respectfully assert that at least the claims of Inventions I and III may properly be examined in the same application in light of their similar characteristics.

Claims 1-39, 46-49, 65-69 and 80-82 are directed to a system and method of configuring a medical device. In general, these claims describe a system or method that allows a user to configure a medical device by storing information relating to a plurality of medical device components, and using patient specific information to derive from the stored medical device information a number of particular components that correspond to a medical device that will meet the needs of the patient. As the Examiner correctly asserts, claims 50-64, 70-79 and 83-85 are directed to a computer program product or system for data collection. However, these claims are not drawn to a generic computer program product or a generic system for collecting data. Rather, the claims of Invention III are directed to computer program products and data collection systems that are used specifically in the configuration of a medical device.

As such, claims 50-64, 70-79 and 83-85 are very similar in nature to claims 1-39, 46-49, 65-69 and 80-82. For example, claims 50-64 and 83-85 include means to store information relating to a plurality of medical device components, and to use patient specific information to derive from the stored medical device information a number of

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particular components that correspond to a medical device that will meet the needs of the patient. Claims 70-79 similarly relate patient information to medical device components.

Consequently, although Applicants believe Inventions I and III to be patentably distinct, searching and examining both Invention I and Invention III in a single application would not be unduly burdensome on the Examiner. Therefore, Applicant respectfully requests that at least Invention I and Invention III be examined together in the present application.

Respectfully submitted,

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By: 

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